

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREG MCLAREN,

Plaintiff,

v.

**SAFECO INSURANCE COMPANY
OF ILLINOIS,**

Defendant.

Case No. 4:19-cv-02626-SNLJ

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiffs’ unopposed motion for remand (#6). Defendant removed this case under diversity jurisdiction, 28 U.S.C. § 1332. Plaintiff’s motion says that defendant cannot prove by a preponderance of the evidence that the controversy exceeds \$75,000.00. *See In Re Prempro Prods. Liab. Litig.*, 591 F.3d 613, 620 (8th Cir. 2010) (“The defendant bears the burden of establishing federal jurisdiction by a preponderance of the evidence.”). Defendant makes no such attempt, conceding by e-mail that there would be no “object[ion] to [the] motion” if plaintiff stipulated that he would not seek an amount of damages greater than the \$75,000.00 threshold. Plaintiffs are the “masters of their complaints” and can “avoid removal ... and [] obtain a remand to state court” by “stipulating to amounts at issue that fall below the federal jurisdictional requirement.” *Standard Fire Ins. Co. v. Knowles*, 568 U.S. 588, 595 (2013). But, the stipulation must be “legally binding” on all relevant parties. *Id.*

Here, such a binding stipulation is present—signed and sworn to by the plaintiff—affirming he “will not seek more than \$75,000 in damages, including attorney’s fees, in this matter.” (ECF #7-2). That is enough for this Court to remand the case, and it will do so. *Addison v. Simpler Postage, Inc.*, 2018 WL 3742619 at * 1 (E.D. Mo. Aug. 7, 2018) (noting the need for a signed and notarized stipulation by the plaintiff, and not yet their attorney); *see also Ereth v. GMRI, Inc.*, 2017 WL 6316645 (W.D. Mo. Dec. 11, 2017) (noting the need for a “binding stipulation” above and beyond what may be pleaded in a Missouri petition’s prayer for relief).

Accordingly,

IT IS HEREBY ORDERED that plaintiffs’ motion for remand (#6) is **GRANTED**. This matter will be **REMANDED** to the Circuit Court for the City of St. Louis, Missouri, by a separate order filed herewith.

So ordered this 13th day of January 2020.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE